

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, February 5, 2016
Yuma Pivot Point Hotel and Conference Center
200 N. Madison Avenue
Yuma, Arizona 85364

PRESENT: (Commission)

(Director's Staff)

Chairman Kurt R. Davis
Commissioner Edward "Pat" Madden
Commissioner James R. Ammons
Commissioner James S. Zieler
Commissioner Eric S. Sparks

Director Larry D. Voyles
Deputy Director Ty E. Gray
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Linda Pollock

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments
for the Illegal Taking and/or Possession of Wildlife

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. Each of the following individuals was legally noticed for this hearing.

Name	Docket #	Count	Conviction
Harrison Neff	2016-0010	Count A:	Take wildlife in closed area (Trout)
		Count C:	Trespass in a closed area
Louis A. Birruete	2016-0012	Count A:	Take wildlife without a license (Turkey)
		Count B:	Take wildlife without a tag (Turkey)
		Count C:	Take wildlife in a closed season (Turkey)
		Count D:	Take wildlife from a vehicle (Turkey)
		Count E:	Take wildlife from roadway (Turkey)
Juan Carlos Vega-Robles	2016-0013	Count A:	Take wildlife during closed season (Mule Deer)
		Count B:	Knowingly waste edible portion of game meat (Mule Deer)
Jason Pryor	2016-0016	Count A:	Obtain 2015 resident hunt/fish license by misrepresentation Citation A06863
Ira Hoeffliger	2016-0018	Count A:	Obtain 2014 resident hunting license by fraud Citation A06866
		Count A:	Obtain 2011 resident hunting license by

fraud

Roll call was taken and the following were present: None.

Mr. Elms stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment. The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed above.

Motion: Zieler moved and Madden seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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Harrison Neff

Docket # 2016-0010

Neff was found guilty by the Show Low Justice Court for Count A: Take wildlife in closed area (trout); and Count C: Trespass in closed area; and sentenced: Fined \$320.00.

Neff was not present.

Case Officer Birkeland was available via video teleconference.

Commissioner Zieler asked about an adequate fine for a trophy fish as has been done in the past.

Mr. Elms stated that there is a complex equation used by the Department to generate a basic and recreational value and in this case, the value of the 18 inch trout is \$69.51, the 21 inch trout is \$119.70, and the 23 inch trout is \$169.42, for a total of \$358.63. The Department noticed the individuals the minimum amounts identified in statute, but with the additional information, the Commission can consider additional amounts.

Motion: Madden moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF HARRISON NEFF TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FOUR (4) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST HARRISON NEFF TO COLLECT THE AMOUNT OF \$358.63 FOR THE LOSS OF THREE (3)

RAINBOW TROUT; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Louis A. Birruete
Docket # 2016-0012

Birruete was found guilty by the Williams Justice Court for Count A: Take wildlife without a licensee (turkey); Count B: Take wildlife without a tag; Count C: Take wildlife in a closed season; Count D: Take wildlife from a vehicle; and Count E: Take wildlife from roadway; and sentenced: Fined \$985.00.

Birruete was not present.

Case Officer Rice was present via video teleconference.

Motion: Madden moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **LOUIS A. BIRRUETE** TO **HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Juan C. Vega-Robles
Docket # 2016-0013

Vega-Robles was found guilty by the Prescott Justice Court for Count A: Take wildlife during closed season (mule deer); Count B: Knowingly waste edible portion of game meat; and sentenced: Fined \$800.00.

Case Officer Tucker was available via video teleconference.

Vega-Robles was not present, but sent the Department a letter which Mr. Elms read into the record. The letter stated that Mr. Vega-Robles was not able to attend the Commission meeting in Yuma and requested the Department notify him of the next meeting in in Phoenix.

The Commission discussed with Mr. Odenkirk that the letter sounded like a request to continue the hearing.

Mr. Odenkirk stated that it was the Commission's purview to grant or deny a request to continue.

Motion: Ammons moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JUAN C. VEGA-ROBLES TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST HARRISON NEFF TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) MULE DEER DOE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Jason Pryor
Docket # 2016-0016

Pryor was found guilty by the East Mesa Justice Court for Count A: Obtain 2015 resident hunt/fish license by misrepresentation; and sentenced: Fined \$307.50 and ordered to pay restitution of \$103.00.

Pryor was not present, but sent a letter to the Department which Mr. Elms read into the record. In the letter, Mr. Pryor requested no revocation of his license and stated that he thought he was doing the right thing.

Chairman Davis discussed and confirmed that there is another case with Jason Pryor that was not brought before the Commission because cases that do not involve take would not have been additive, both would only be for a five year revocation period.

Case Officer Nemlowill was present and confirmed for Chairman Davis that Mr. Pryor simultaneously purchased resident license in both Arizona and Oregon.

Motion: Madden moved and Sparks seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JASON PRYOR TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Ira F. Hoeffliger
Docket # 2016-0018

Hoeffliger was found guilty by the Desert Ridge Justice Court for Citation A06863, Count A: Obtain 2014 resident hunting license by fraud; and Citation A06866, Count A: Obtain 2011 resident hunting license by fraud; and sentenced: Fined \$900.00 and ordered to pay restitution of \$532.75.

Hoeffliger was not present, but sent a letter to the Department which Mr. Elms read into the record. The letter stated that Mr. Hoeffliger could not attend the meeting due to personal and business reasons, and that he was not aware of his misrepresentation and did not intend to harm or cheat Arizona.

Case Officer Nemlowill was present

Chairman Davis clarified with Mr. Elms that Mr. Hoeffliger was simultaneously purchasing resident license in Arizona and Oregon, while filing owning property and filing taxes in California.

Motion: Sparks moved and Zieler seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF IRA F. HOEFFLIGER TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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These hearings concluded at 2:34 p.m.

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